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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT McFADDEN,

Plaintiff,

-against-

SUPERINTENDENT WILLIAM KEYSER;  
DEPUTY SUPERINTENDENT OF SECURITY  
GARY SIPPLE; CAPTAIN KENNETH LETUS;  
SERGEANT LISA WILSON; SERGEANT  
RONALD MILLER; FOOD SERVICES  
ADMINISTRATOR ANTHONY RIZZUTO;  
HEAD COOK JOHN PAPAVALIOU; COOK  
ANTHONY CARMINATI; INMATE  
GRIEVANCE PROGRAM SUPERVISOR  
CORY PROSCIA; HEAD CHAPLIN  
OGBONNA STAINISLAUS; NURSE  
KATHLEEN BUTTLES; C.O. WILLIAM  
ELBERTH; C.O. EDMUND PUERSCHNER;  
C.O. TIMOTHY DOEINCK; C.O. OFFICER  
KINNE; C.O. RYAN SOUTHARD; C.O. PAUL  
HOLLAND; C.O. STEVE RYDER; C.O.  
GEORGE GILMOUR, SR.; HEARING  
OFFICER MORROW,

Defendants.

23-CV-802 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is currently incarcerated in the Mid-State Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, regarding events that allegedly occurred at the Sullivan Correctional Facility, between 2019 and 2022. By order dated February 1, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.<sup>1</sup>

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<sup>1</sup> Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

### A. Order of Service

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants: (1) Superintendent William Keyser; (2) Deputy Superintendent of Security Gary Sipple; (3) Captain Kenneth Letus; (4) Sergeant Lisa Wilson; (5) Sergeant Ronald Miller; (6) Food Services Administrator Anthony Rizzuto; (7) Head Cook John Papavasilou; (8) Cook Anthony Carminati; (9) Inmate Grievance Program Supervisor Cory Proscia; (10) Head Chaplin Ogbonna Stainislaus; (11) Nurse Kathleen Buttles; (12) Correctional Officer William Elberth; (13) C.O. Edmund Puerschner; (14) C.O. Timothy Doeinck; (15) C.O. Officer Kinne; (16) C.O. Ryan Southard; (17) C.O. Paul Holland; (18) C.O. Steve Ryder; (19) C.O. George Gilmour, Sr.; and (20) Hearing Officer Morrow through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue summonses for each of these defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon each of these defendants.

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<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

**B. Local Rule 33.2**

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled "Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents." Within 120 days of service of the complaint, Defendants must serve responses to these standard discovery requests. In their responses, Defendants must quote each request verbatim.<sup>3</sup>

**CONCLUSION**

The Clerk of Court is instructed to issue summonses for Defendants: (1) Superintendent William Keyser; (2) Deputy Superintendent of Security Gary Sipple; (3) Captain Kenneth Letus; (4) Sergeant Lisa Wilson; (5) Sergeant Ronald Miller; (6) Food Services Administrator Anthony Rizzuto; (7) Head Cook John Papavasilou; (8) Cook Anthony Carminati; (9) Inmate Grievance Program Supervisor Cory Proscia; (10) Head Chaplin Ogbonna Stainislaus; (11) Nurse Kathleen Buttles; (12) Correctional Officer William Elberth; (13) C.O. Edmund Puerschner; (14) C.O. Timothy Doeinck; (15) C.O. Officer Kinne; (16) C.O. Ryan Southard; (17) C.O. Paul Holland;

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<sup>3</sup> If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the court's Pro Se Intake Unit.

(18) C.O. Steve Ryder; (19) C.O. George Gilmour, Sr.; and (20) Hearing Officer Morrow; complete the USM-285 forms with the addresses for each of these defendants, and deliver all documents necessary to effect service on each of these defendants to the U.S. Marshals Service.

The Clerk of Court is kindly instructed to mail a copy of this Order and an information package to *pro se* Plaintiff at Plaintiff's address listed on ECF and to show service on the docket.  
SO ORDERED.

Dated: February 27, 2023  
White Plains, New York



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NELSON S. ROMÁN  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Superintendent William Keyser  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
2. Deputy Superintendent of Security Gary Sipple  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
3. Captain Kenneth Letus  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
4. Sergeant Lisa Wilson  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
5. Sergeant Ronald Miller  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
6. Food Services Administrator Anthony Rizzuto  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
7. Head Cook John Papavasilou  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
8. Cook Anthony Carminati  
Sullivan Correctional Facility  
325 Riverside Drive

P.O Box 116  
Fallsburg, N.Y. 12733-0116

9. Inmate Grievance Program Supervisor Cory Proscia  
Sullivan Correctional Facility  
325 Riverside Drive  
P.O Box 116  
Fallsburg, N.Y. 12733-0116
10. Head Chaplin Ogbonna Stainislaus  
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P.O Box 116  
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11. Nurse Kathleen Buttles  
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12. C.O. William Elberth  
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13. C.O. Edmund Puerschner  
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14. C.O. Timothy Doeinck  
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15. C.O. Officer Kinne  
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16. C.O. Ryan Southard  
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19. C.O. George Gilmour, Sr.  
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20. Hearing Officer Morrow  
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